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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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145 MARCUS BLVD., INC.,

MEMORANDUM
AND
ORDER

Plaintiff,

- against -

04-CV-1882 (TCP)

F & H MANUFACTURING CORP., et al.,

Defendants.

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PLATT, District Judge.

Having considered the report and recommendation made by Magistrate Judge Michael Orenstein (see Transcript dated 4/28/08) along with the opposition papers dated May 7, 2008 and May 28, 2008, the report and recommendation are hereby adopted in their entirety.

SO ORDERED.

Dated: January 8, 2009
Central Islip, New York

Thomas C. Platt, U.S.D.J.